



**ST JOHN'S
College**

ANNAPOLIS • SANTA FE

St. John's College Title IX Sex-Based Harassment and Discrimination Policy

As an institution of higher education, St. John's College (the College) is committed to providing programs, activities, and an educational environment that is free from sex-based harassment and discrimination. As a leader in liberal arts education, the College highly values the environment that results when students, faculty, and staff from different backgrounds come together to discuss the ideas and books that are the cornerstone of a St. John's education.

The Title IX Sex-Based Harassment and Discrimination Policy is designed to further the College's goal of equity and inclusion and identifies resources that are available; defines the conduct that is prohibited under this Policy; and outlines the process by which the College will respond to reports of Title IX Sex-Based Harassment and Discrimination as defined herein. St. John's College strives to be a community in which all members readily and safely report acts of sexual misconduct; it is our goal to remove all barriers to reporting.

I. Title IX Sex-Based Harassment and Discrimination Policy Statement

This Policy prohibits Sex-Based Harassment, including Sexual Assault, Sexual Harassment and other discrimination on the basis of sex, gender identity, and sexual orientation, Domestic Violence, Dating Violence, and Stalking. It further prohibits Retaliation, as defined in Section V, below.

As a recipient of Federal funds, St. John's College is required to comply with Title IX of the Education Amendments of 1972, relating to sexual harassment (including sexual violence, stalking, and domestic and dating violence) and sex-based discrimination, the Violence Against Women Reauthorization Act of 2013 (VAWA), and any applicable state laws. The College is committed not only to compliance with these mandates but to promoting a community that is in line with the values these civil rights laws envision.

St. John's College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

II. The College Title IX/Sexual Misconduct Coordinator

The Title IX/Sexual Misconduct Coordinator is responsible for coordinating the College's compliance with Title IX, the Violence Against Women Reauthorization Act of 2013 (VAWA), and any applicable state laws. The College's Title IX/Sexual Misconduct Coordinators are:

- In Santa Fe: Christine Guevara, Vice President of Student Engagement. Weigle Hall Room 117, christine.guevara@sjc.edu, 505-984-6128.
- In Annapolis: Danielle Lico, Vice President of Student Affairs. Mellon Hall 119, danielle.lico@sjc.edu, 410-626-2530.

The College Title IX/Sexual Misconduct Coordinator will be informed of all reports or allegations of violations of this policy. The College Title IX/Sexual Misconduct Coordinator's responsibilities include (but are not limited to):

- Communicating with the College community regarding Title IX and VAWA, and providing information about how individuals may access their rights;
- Reviewing applicable College policies to ensure compliance with Title IX and VAWA;
- Monitoring the administration of this policy, any associated policies, and the Consensual Romantic or Sexual Relationships Policy, and all related record keeping, timeframes, and other procedural requirements;
- Conducting training regarding Title IX, VAWA, and prohibited conduct defined in this policy and related policies; and
- Responding to any notifications of conduct that reasonably may constitute sex-based harassment and discrimination under Title IX. For any report of which the College has knowledge (and any complaint), the Title IX/Sexual Misconduct Coordinator shall oversee and implement the explanation and provision of any supportive measures. For any complaint, the Title IX/Sexual Misconduct Coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any additional supportive measures, and monitors the administration of any related appeal.

The Title IX/Sexual Misconduct Coordinator may delegate certain responsibilities under this policy to designated administrators, who will be appropriately trained.

The College provides the contact information of the Title IX/Sexual Misconduct Coordinator to students, faculty, staff, applicants for admission, and applicants for employment, with the College.

Questions about this policy should be directed to the Title IX/Sexual Misconduct Coordinator on the appropriate campus.

III. Definitions

Complainant is a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of St. John's College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College's education program or activity; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or the College's Title IX/Sexual Misconduct Coordinator. A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment.

Complaint means an oral or written request to the College that objectively can be understood as a request for the College to investigate and made a determination about alleged discrimination under Title IX. Complaints can generally only be initiated by a complainant; reporting parties do not have standing to initiate a complaint. In certain circumstances the Title IX/Sexual Misconduct Coordinator may also initiate a complaint.

Hearing Officer is the person responsible for conducting a hearing in an orderly manner, controlling the conduct of all participants and attendees of the hearing, and rendering a written determination regarding responsibility of the Respondent's alleged conduct charges in an impartial, neutral, and objective manner. The Hearing Officer need not be an employee of the College.

Investigator(s) are neutral and impartial fact-finders who gather evidence during the investigation. The investigators are responsible for completing an investigation report at the conclusion of the investigation. The Title IX Deputy Coordinators may supervise and advise the Title IX investigators when conducting investigations and update the Title IX Coordinator as necessary to ensure compliance with Title IX. Investigators need not be employees of the College.

Party or parties refer to the complainant(s) and the respondent(s).

Recognized Organization is any student organization, club, intramural sports team, or other group of students organized in a formal and/or identifiable way.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by a violation of this policy. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that a violation of this policy occurred.

Reporting Party is an individual(s) making a report that this Policy has been violated. The Reporting Party and the Complainant may or may not be the same individual(s). The report of an engaged bystander can provide critical direction for the investigation of misconduct, even when the misconduct was not directed at the Reporting Party. Please note, Reporting Parties cannot initiate any action by the College under this policy and otherwise not entitled to any rights afforded to Complainants or Respondents as defined herein.

Respondent means a person who is alleged to have violated the College's prohibition on sex discrimination.

IV. Prohibited Conduct

This policy addresses Title IX Sex-based Harassment and Discrimination, which encompasses all of the prohibited conduct described below that occurs on the basis of sex and meets all of the following requirements:

- Conduct that occurs within an education program or activity including College sponsored or supported events, buildings owned or controlled by student groups recognized by the College or conduct that is subject to the disciplinary authority of the College. This includes conduct alleged to be contributing to the hostile environment that occurred outside the College's education program or activity.
- At the time the conduct occurred, a student or employee, including members of the Board of Visitors and Governors, of St. John's College or a person other than a student or employee at St. John's College who was participating or attempting to participate in St. John's College education program or activity.
- A student or employee, including members of the Board of Visitors and Governors, who is alleged to have engaged in conduct that could constitute sex discrimination under Title IX at the time the complaint is being made. Disciplinary action can generally only be taken against a Respondent as long as that person is enrolled, employed, or otherwise affiliated with the College. This does not preclude the College from taking administrative action against Respondents who are unaffiliated with the College. Administrative actions may include, but are not limited to, barring an individual from College property or attending College-affiliated events.

This policy applies to all forms of sex-based harassment, as defined below. Allegations of sexual misconduct that do not fall under this policy because they do not constitute prohibited conduct as defined herein, may constitute violations of other College policies.

In cases where there are allegations of violations of other College policies stemming from the same set of facts alleging a violation of this policy, those allegations may be adjudicated as part of a Title IX Sex-Based Harassment case.

In determining whether alleged conduct violates this policy, the College will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged conduct and the context in which it occurred. Any of the prohibited conduct defined in this policy can be committed by individuals of any gender, and it can occur between individuals of the same gender or different genders. It can occur between strangers or acquaintances, as well as people involved in intimate or sexual relationships.

The prohibited behaviors listed below are serious offenses and will result in College discipline. Prohibited conduct involving force, duress, or inducement of incapacitation, or where the perpetrator has deliberately taken advantage of another individual's state of incapacitation, will be deemed especially egregious and may result in expulsion or termination of employment. The respondent's consumption of alcohol or the use of illegal substances does not constitute a mitigating circumstance when it contributes to a violation under this policy.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other

harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Specific prohibited behaviors are:

- A. Quid Pro Quo Harassment** – An employee, agent, or other person authorized by the College to provide aid, benefit, or services under the College’s education program or activity explicitly or impliedly conditioning the provision of an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.
- B. Hostile Environment Harassment** – Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the College’s education program or activity.
- C. Sex-based Discrimination** – Treating a person differently on the basis of sex, gender identity and sexual orientation (including discrimination based on sex stereotypes and sex characteristics) in a manner that subjects them to more than de minimis harm, except in limited circumstances, such as sex-separated sports and housing.
- D. Sexual Assault** is actual or attempted physical sexual contact with another person without that person’s consent. Sexual Assault specifically includes:
 - a. An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - i. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age and/or because of temporary or permanent mental incapacity.
 - iii. Incest: Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - iv. Statutory Rape: Non forcible sexual intercourse with a person who is under the statutory age of consent.
 - b. An offense that meets the definition of rape or sexual offenses, as defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-303, *et seq.*), as applicable.
 - c. An offense that meets the definition of rape, aggravated rape, or criminal sexual contact as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-9-11, *et seq.*), as applicable.
- E. Dating Violence** means an act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person who is subject to such behavior. The existence of such a relationship shall be determined based on all of the following: the Complainant’s statement, the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating Violence does not include acts covered under the definition of Domestic Violence.
- F. Domestic Violence** refers to felony or misdemeanor crimes of violence committed by a current or former spouse of the victim (or a person similarly situated to a spouse of the victim), by a person who shares a child with the victim, or by a person who is or formerly has cohabitated with the victim as a spouse. Domestic Violence also includes:
- a. An offense that meets the definition of abuse as defined by the laws of the State of Maryland (Md. Code Ann., Fam. Law § 4-501, *et seq.*), as applicable.
 - b. An offense that meets the definition of assault or battery as defined by the laws of the State of New Mexico (N.M. Stat. Ann. § 30-3-12, *et seq.*), as applicable.
- G. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Such conduct may include, but is not limited to, acts in which one directly or indirectly follows, monitors, observes, surveils, threatens, or communicates to or about a person in a way prohibited or interferes with a person's property. A course of conduct consists of two or more acts. Stalking may be conducted through any method, device or means.
- a. Stalking includes activity otherwise defined by the laws of the State of Maryland (Md. Code Ann., Crim. Law § 3-801, *et seq.*) and the State of New Mexico (N.M. Stat. Ann. § 30-3A-3, *et seq.*), as applicable.
- H. Retaliation** means intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, grievance procedure, or in any other actions taken by the College.

The College retains the right to charge an individual for making a materially false statement in bad faith during the course of an investigation, proceeding, or hearing under this policy. Anyone who makes a report that is later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action under the Community Standards Policy. Similarly, a person who is later proven to have intentionally given false information during the course of an investigative or grievance process under this policy may be subject to disciplinary action under the Community Standards Policy. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. No complaint will be considered "false" solely because it cannot be corroborated.

Complaints alleging retaliation under this Title IX Sex-based Harassment and Discrimination policy, including for the exercise of rights under this policy, must be filed in accordance with this policy and will be addressed promptly and equitably. Where the individual allegedly retaliating is not affiliated with the College and not otherwise subject to its policies, the College will process the complaint and take appropriate measures.

For the purpose of this policy, affirmative consent and incapacitation are defined as:

Affirmative Consent must be informed, voluntary, and active, meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity. Affirmative Consent can be withdrawn at any time, and cannot be obtained by force, expressed or implied, or when physical violence, threats, intimidation and/or coercion is used. Affirmative consent to one form of sexual activity does not, by itself, constitute Affirmative Consent to another form of sexual activity. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to the same sexual activity with another person.

Silence, absence of protest, or absence of resistance does not imply Affirmative Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in violation of this policy. Participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue the activity.

Affirmative consent cannot be gained by taking advantage of the incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in sexual activity.

Affirmative consent is not:

- When it comes to sex, silence is not consent.
- Flirting is not consent.
- Being in a relationship is not consent.
- Consent for one thing is not consent for everything.
- Dressing in sexy clothing is not consent.
- Having had sex before is not consent now.
- Being too drunk or too high to say no is not consent.
- Being passed out is not consent.
- Being afraid to say no is not consent.
- Making out is not consent.
- Going into a bedroom is not consent.
- “Maybe” is not consent.
- “No” is not consent.

Incapacitation is the inability, temporarily or permanently, to give consent because the individual is asleep, unconscious, losing or regaining consciousness, or is otherwise unable to make informed rational judgments and decisions.

Incapacitation may result from the use of alcohol and/or drugs (both legal and illegal) and is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person; however, warning signs that a person is incapacitated or approaching incapacitation may include acting confused or incoherent, slurred speech, vomiting, inability to perform personal tasks such as undressing, inexplicable sudden changes in emotion, and/or difficulty walking. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s decision-making

ability, awareness of consequences, ability to make informed judgments, or capacity to appreciate the nature and the quality of the act.

When an investigator or hearing officer is assessing incapacitation, they will look at the issue from the perspective of a Respondent and determine whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

V. Confidentiality, Privacy, and Required Disclosures

It is important that reporting parties, complainants and respondents understand the roles that confidentiality and privacy play in this policy and are encouraged to familiarize themselves with their options before deciding their preferred course of action. In some instances, the College's responsibility to investigate may conflict with the preferences of the complainant and/or the respondent. Requests for confidentiality or use of anonymous reporting may limit the College's ability to conduct an investigation.

Confidentiality

The term "confidentiality" refers to the circumstances under which information will or will not be disclosed to others.

Employees on each campus, as outlined in Section VI, have been designated as Confidential Employees. Additionally, Confidential Resources external to the College are also available.

There may be exceptions in cases involving child abuse, imminent risk of serious harm, emergent hospitalization, or a court order. In addition, non-identifying information about violations of the College's Title IX Sex-based Harassment Policy may be submitted to the Department of Public Safety for purposes of the anonymous statistical reporting under the Clery Act.

Privacy

The term "privacy" refers to the discretion that will be exercised by the College in the course of any investigation or grievance processes under this policy. In all proceedings under this policy, the privacy of the parties involved will be maintained to the extent possible.

In cases involving students, the Title IX/Sexual Misconduct Coordinator may notify residential life and/or other College employees, including tutors, of the existence of the report and/or complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and residential life. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

In accordance with federal regulations, the College will keep confidential the identity of any individual who has made a report or complaint under this policy, including any complainant, any individual who has been reported to be the perpetrator, any respondent, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA), or as required by law, or to carry out the purposes of conducting any investigation or hearing under this policy.

Any additional disclosure by the College of information related to the report or formal complaint may be made if consistent with FERPA or the Title IX requirements. In addition, state or federal governmental agencies may mandate certain reporting related to prohibited conduct under this policy involving College employees or students.

Confidentiality Expectations of Complainants and Respondents

The College is required to take reasonable steps to protect the privacy of the parties and witnesses involved in a complaint process under this policy. While complainants, respondents, and witnesses involved in the grievance process under this policy are strongly encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation, the parties are not restricted from discussing the allegations under investigation in so far as these discussions are necessary to obtain and present evidence, identify witnesses, consult with family members, confidential resources, or advisors, or otherwise prepare for or participate in the procedures outlined within this policy.

The parties are required maintain the confidentiality of any information learned in the course of the grievance process, including during an informal resolution, and will be asked to sign a Non-Disclosure Agreement before any documents or evidence is provided by the College. Should a party refuse to sign a Non-Disclosure Agreement, they will be provided with the opportunity to review any documents or evidence but will not be provided with copies or be permitted to capture images or take pictures.

Persons serving as advisors or support persons, as defined within the policy, are expected to maintain strict confidentiality. Failure to do so will result in the immediate removal of the advisor and/or support person.

Required Disclosures

As is required under the Clery Act and the 2013 Amendments to the Violence Against Women Act, the College is required to collect non-identifying statistical information about certain crimes, including any alleged Title IX Sex-based Harassment, Dating Violence, Domestic Violence, or Stalking, as required by state and federal law. These statistics are shared with Public Safety for inclusion in the Daily Crime Log and in the Annual Security Report.

The College is also required to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the College community. These notifications will not contain any identifying information about the Reporting Party and/or Complainant.

Certain members of the College community are considered mandatory reporters under state law and, as such, are required to notify local authorities about suspected abuse of minors, including sexual abuse.

VI. Reporting Options for Complainants, Respondents, and other Reporting Parties

Persons covered under this policy who have witnessed, experienced, or are aware of conduct that constitutes a violation of this policy is encouraged to talk to somebody about what happened.

For any individual subject to or witness to Title IX Sex-based Harassment of any type, the first step is always the same: get to a safe place as soon as possible. If emergency assistance is required, call Public Safety or Local Emergency Services by dialing 911.

- In Santa Fe: Dial “0” from a campus phone or call 505-984-6000
- In Annapolis: Dial “x2000” from a campus phone or call 443-336-2348

If you have been affected by a violation of this Policy, and wish to seek emergency medical treatment, the following medical centers are equipped with evidence collection kits and staff specially trained to conduct forensic examinations:

- In Santa Fe: Christus St. Vincent Regional Medical Ctr, 455 St. Michaels Drive, Santa Fe, NM, 505-913-3361
- In Annapolis: Anne Arundel Medical Center, 2001 Medical Parkway, Annapolis, MD 443-481-1000

If any individual has been subject to or witnessed any type of Title IX Sex-based Harassment, the following options are available. Individuals may pursue some or all of these options simultaneously:

- Seek confidential support and counseling from staff in the Student Health and Wellness Center (Annapolis) or Therapy Services (Santa Fe). An after-hours confidential resource can be accessed by calling Public Safety.
- Report the incident to or file a complaint with the College through a Title IX Coordinator or Deputy Title IX Coordinator listed in this policy. Reports can also be made to Public Safety.
- Notify law enforcement authorities and file a criminal complaint. Public Safety and/or a Title IX Coordinator or Deputy Title IX Coordinator are available to assist in this process.

Confidential Employees/Resources

A report to a confidential resource listed below is not considered a report to the College and will not result in an investigation or any remedial or disciplinary action.

The following resources are considered confidential for students:

Annapolis Campus

- Student Health and Wellness Center at x2553 from a campus phone or 410-626-2553
- Anne Arundel County sexual assault hot line at 410-222-7273
- Anne Arundel Medical Center at 443-481-1000

Santa Fe Campus

- Student Health Office at x6418 from a campus phone or 505-984-6418
- Therapy Services at x6419 from a campus phone or 505-984-6419
- Solace Sexual Assault Services at 505-986-1951
- Christus St. Vincent Regional Medical Center at 505-913-3361

The following resources are considered confidential for employees:

Annapolis Campus

- Employee Assistance Program offered by Business Health Services at 800-327-2251
- Anne Arundel County sexual assault hot line at 410-222-7273
- Anne Arundel Medical Center at 443-481-1000

Santa Fe Campus

- Employee Assistance Program offered by The Solutions Group at 505-254-3555
- Solace Sexual Assault Services at 505-986-1951
- Christus St. Vincent Regional Medical Center at 505-913-3361

Confidential employees are required to provide the following information to any person who informs the confidential employee of conduct that reasonably constitutes sex discrimination under Title IX of the following:

- Their status as confidential employees within a clinical setting;
- How to contact the Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

NOTE: While the above confidential resources may maintain an individual's confidentiality vis -à-vis the College, they may have reporting or other obligations under state law, such as mandatory reporting to the state in the case of abuse of minors; threat of imminent harm to self or others; or the requirement to testify if subpoenaed in a criminal case. At the beginning of any conversation, individuals may want to consider asking resources to describe their level of confidentiality.

Reporting to the College

People wishing to make a report to the College are reminded that such reports are not confidential and may require the Title IX/Sexual Misconduct Coordinator to initiate a complaint. Reporting parties who are unsure of how they would like to proceed are encouraged to consult with a confidential employee or resource.

Members of the Title IX Team, as outlined below, have been trained to receive and respond to alleged violations of this policy and are encouraged to seek out these resources when making reports.

Annapolis Campus

- Danielle Lico, VP of Student Affairs/danielle.lico@sjc.edu/410-626-2530
- Lauren Dillon, Assistant Director Human Resources/lauren.dillon@sjc.edu/410-626-2896
- Jennifer Cline, Coordinator, Residential Life/jennifer.cline@sjc.edu/410-626-2512
- Sue Gelenter, Director Human Resources/sue.gelenter@sjc.edu/410-626-2504
- Taylor Waters, Director of Student Services/taylor.waters@sjc.edu/410-626-2512

Santa Fe

- Christine Guevara, VP of Student Engagement/christine.guevara@sjc.edu/505-984-6128
- Mary Anne Burke, Fitness and Athletic Director/maryanne.burke@sjc.edu/505-984-6150
- Malcolm Morgan-Petty, Associate Director of Student Engagement/malcolm.morgan-petty@sjc.edu/505-984-6053
- Sarah Reeve, Associate Director of Residential Life/sarah.reeve@sjc.edu/505-984-6925
- Aaron Young, Director of Human Resources/aaron.young@sjc.edu/505-984-6140

Reports can also be made to the Public Safety Office on the appropriate campus at any time:

- In Santa Fe: Dial “0” from a campus phone or call 505-984-6000
- In Annapolis: Dial “x2000” from a campus phone or call 443-336-2348

Given the size and intimate nature of the College environment, all employees of the College, including those serving as contractors in a student facing position (i.e. athletic coaches) are required to promptly report allegations of violations of this policy that they observe or learn about to a campus Title IX Coordinator. Student Employees who observe or learn about allegations of violations of this policy while performing their student employee responsibilities are also required to notify the Title IX Coordinator. Employees who knew about but did not report allegations of violations of this policy will be subject to disciplinary action up to and including termination.

Note, however, that employees are not required to report information about violations of this policy learned through public awareness events such as “Take Back the Night” or other forums at which individuals disclose experiences with sexual violence or other violations of this policy.

Anonymous Reports

Anonymous reports of violation of the Policy may be made by calling the College’s Compliance Hotline administered by Lighthouse Services at 844-490-0002 (or for services in Spanish, 800-216-1288). Reports will be forwarded to a Title IX Coordinator or Deputy Title IX Coordinator on the appropriate campus.

It should be noted that the College’s ability to investigate or act upon anonymous reports may be limited. Additionally, complainants cannot file a report anonymously.

Reporting to Law Enforcement

The College encourages (but does not require) Complainants to pursue criminal action for incidents of Title IX Sex-based Harassment that may also be crimes under applicable law. The Title IX Coordinator or Deputy Title IX Coordinator will inform the Complainant of the possibility of bringing criminal charges. If the Complainant decides to proceed with a criminal charge, officials of the College will cooperate with the police investigation. At the request of the Complainant, College officials will also assist the Complainant in bringing the allegation to the proper law enforcement authorities.

It is important to emphasize that law enforcement's decision to prosecute or not to prosecute a Respondent is not determinative of whether a violation of this Policy has occurred; similarly, the outcome of any criminal prosecution is not determinative of whether a violation has occurred.

Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Regardless of whether a criminal complaint is filed, the College will pursue its own internal processes to address the alleged conduct, and it expects that all those involved will participate in the process. The fact that an individual (Complainant, Reporting Party, Respondent, and/or witnesses) refuses to participate in the College process does not mean that the disciplinary process will not take place if the College deems it appropriate to move forward with that process. Similarly, a party's withdraw/departure from the College does not necessarily mean that the process will end.

In criminal cases, the preservation of evidence is critical and should be done properly and promptly (as soon as possible, but typically within 5 days). In cases of rape or other forms of sexual assault, it is important not to shower, change clothes, or even brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

Dismissal of a Complaint

The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;
- The College receives the complainant's voluntary withdrawal in writing of any or all of the allegations, and Title IX/Sexual Misconduct Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains in the complaint would not constitute sex-based harassment under Title IX, even if proven; or
- The College determines that the conduct alleged in the complaint, even if proven, would not constitute sex-based harassment under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

If the College dismisses a complaint, the College will provide the complainant with a written notice of the dismissal, the reason(s) for the dismissal, and that a dismissal may be appealed as described in this Section.

The Complainant will have five (5) business days from notification of the dismissal to appeal. Appeals will be accepted on the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination to dismiss the complaint was made; and

- The Title IX/Sexual Misconduct Coordinator had a conflict of interest or bias for or against complainants or respondents generally or that individual complainant or respondent that would change the outcome.

Concurrent notice will be provided to the respondent, provided the respondent was notified of the complaint prior to its dismissal. The respondent will have the same opportunity to appeal as provided to the complainant and outlined above. If the dismissal is appealed, both parties will be notified and provided with the Notice of Allegations. Both parties have five (5) business days to submit a statement in support of, or challenging, the dismissal.

Parties will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Title IX/Sexual Misconduct Coordinator. The Appeal Officer will evaluate the appeal based on the criteria outlined above. The Appeal Officer may uphold or overturn the decision of the Title IX/Sexual Misconduct Coordinator. Should the decision be overturned, the complaint will move forward as outlined within this policy.

Appeals for cases on the Annapolis Campus will be reviewed by Christine Guevara, VP for Student Engagement and Title IX/Sexual Misconduct Coordinator in Santa Fe. Appeals for cases on the Santa Fe Campus will be reviewed by Danielle Lico, VP for Student Affairs and Title IX/Sexual Misconduct Coordinator in Annapolis.

If a complaint is dismissed, the College will offer supportive measures to the complainant and respondent (if respondent has been notified of the allegations) and take other prompt and effective steps, as appropriate, to ensure that sex-based harassment does not continue or recur within the College's education program and activity.

Reports Without a Complaint or Withdrawal of a Complaint

The College understands that a Complainant may report an incident but request confidentially. The College also understands that some Complainants may not wish to pursue an investigation or change their mind and withdraw a complaint after a process has been initiated. In the absence of a complaint or the withdrawal of any or all allegations, the Title IX/Sexual Misconduct Coordinator must make a fact-specific determination and must consider, at minimum, the following factors when determining whether to initiate a complaint:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the College;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and

- Whether the recipient could end the alleged sex discrimination and prevent its reoccurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX/Sexual Misconduct Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity, the Title IX/Sexual Misconduct Coordinator may initiate a complaint.

If none of these factors indicates the need to initiate an immediate investigation, the College will likely respect the request for confidentiality. It is important to note that requests for confidentiality, if honored, may limit the College's ability to respond to a report in a meaningful way; the College cannot implement any sanctions against an alleged respondent in these cases.

If the Title IX/Sexual Misconduct Coordinator decides to initiate a complaint despite the wishes of the complainant, the Title IX/Sexual Misconduct Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including through the provision supportive measures. In cases where the Title IX/Sexual Misconduct Coordinator initiates the complaint, the complainant retains all of their rights as if they initiated the complaint.

Complaints with Multiple Complainants or Respondents

In the event that the College receives a complaint involving more than two parties (one complainant and multiple respondents, multiple complainants and one respondent, or multiple complainants and multiple respondents) or in cases where there are multiple complaints involving the same two parties the College may consolidate the complaints provided the complaints arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Complainants, Respondents, or Witnesses with Disabilities

Persons who are participating in a grievance process as outlined in this policy who are registered as a person with a disability are encouraged to notify the Title IX/Sexual Misconduct Coordinator so appropriate steps can be taken to comply with Section 504 of the Rehabilitation Act of 1973. While notification is not required, failure to notify the Title IX/Sexual Misconduct Coordinator will not be considered as grounds in any appeal process afforded to the parties within this policy.

Timeliness

Complainants and other reporting individuals are encouraged to report any violation of this policy as soon as possible in order to maximize the College's ability to respond promptly and effectively. Reports and complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question. If the respondent is no longer affiliated with the College at the time of the report or complaint, the College may not be able to take disciplinary action against the respondent. However, the College will still seek to provide support for the complainant and seek to take steps to end the prohibited behavior, prevent its recurrence, and address its effects.

Timeframes

The College has established timeframes for each major stage of the grievance procedure (set forth below). In certain instances, these timeframes may need to be extended on a case-by-case basis for good cause. Any request for extension of timeframes should be made to the Title IX/Sexual Misconduct Coordinator and, if such requests are granted, written notice of the duration of the extension and the reason for the delay will be provided to all parties by the Title IX/Sexual Misconduct Coordinator.

Amnesty

The College encourages reporting and recognizes that a reporting party, complainant, or witness who has been drinking or using drugs, or who otherwise engaged in conduct in violation of the Community Standards Policy, at or near the time of the incident may be hesitant to make a report or participate in an investigation because of potential consequences for their own conduct. To address this concern, the College has implemented an amnesty policy for reporting parties, complainants and witnesses who participate in an investigation of sexual misconduct.

Students who report an alleged violation of this policy, either as a reporting party, complainant, or a third-party witness, will not be subject to disciplinary action by the College for their own personal consumption of alcohol or drugs, or for a violation of the Community Standards Policy, at or near the time of the incident. The College may initiate an educational discussion or pursue other educational remedies.

Amnesty does not apply to violations that the College determines to be egregious, including actions that place the health or safety of any other person at risk or involve plagiarism, cheating, or academic dishonesty.

Furthermore, the College encourages students to offer help and assistance to others in need. Sometimes, students may be hesitant to offer assistance to others for fear that they may get in trouble themselves. For example, an underage student who has been drinking or using cannabis might hesitate to help an individual who has experienced sexual misconduct contact Public Safety.

To encourage students to offer help and assistance to others, the College provides amnesty for minor violations when students offer help to others in need. When policy violations cannot be overlooked, educational options, rather than punishment, will be provided to those who offer their assistance to others in need.

In all circumstances, amnesty will not apply if someone is found to have possessed, used, provided, or administered alcohol or other drugs for the purpose of facilitating sexual assault or harm to others.

VII. Supportive Measures

Upon receipt of a report or complaint of an alleged violation of this policy, the College, through the Title IX/Sexual Misconduct Coordinator, will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a complaint, and

explain to the complainant the process for initiating a complaint. The College will also consider supportive measures, as appropriate and reasonably available, for the respondent.

These supportive measures are designed to restore or preserve equal access to the College's educational and working programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and the broader College community, or deter sexual harassment. While a supportive measure may impose some restrictions on a party, it will not unreasonably burden them. The College may provide supportive measures to the complainant or respondent, as appropriate, as reasonably available, not for punitive or disciplinary reasons, and will do so without fee or charge, regardless of whether the complainant seeks formal disciplinary action. Once supportive measures are approved, the parties or affected individuals will be notified in writing of the supportive measures. The College will maintain any supportive measures provided to the complainant or respondent as confidential to the extent possible.

The range of supportive measures include, but are not limited to:

- The imposition of a mutual no-contact order instructing the parties to not contact one another;
- A change in work schedule, teaching schedule, or job assignment;
- Change in housing and/or class schedule;
- Restrictions in access to the College facilities, including but not limited to the Dining Hall, Residence Halls, the Gym, or campus as a whole;
- Restrictions on activities, including co-curricular activities;
- Campus escort services;
- Increased security and monitoring of certain areas of the campus;
- Emergency Removal or Administrative Leave;
- Leaves of absence;
- Any other measure which can be tailored to the involved individuals and used to achieve the goals of this policy.

Supportive measures may be modified or terminated at the conclusion of the grievance procedures outlined within this policy or at the conclusion of the informal resolution process. Supportive measures may also remain in place until such time as they are no longer needed to ensure equal access to the education program or activity. Parties may also seek modifications to or termination of a supportive measure applicable to them if circumstances change materially.

Complainants and respondents have the right to seek the modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them. Supportive measure appeals should be submitted in writing to the Title IX/Sexual Misconduct Coordinator within three (3) business days of the imposition, denial, modification, or termination of the supportive measure(s). Appeals for cases on the Annapolis Campus will be reviewed by Christine Guevara, VP for Student Engagement and Title IX/Sexual Misconduct Coordinator in Santa Fe. Appeals for cases on the Santa Fe Campus will be reviewed by Danielle Lico, VP for Student Affairs and Title IX/Sexual Misconduct Coordinator in Annapolis. Appeal decisions will be communicated within five (5) business days. Appeal decisions will be determined based upon the consistency of the original decision with the definition and intended purpose of supportive measures as defined herein.

The College will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a supportive measure. The College will take immediate action to enforce a previously implemented measure and disciplinary sanctions can be imposed for failing to abide by a College-imposed measure through the Community Standards Process.

VIII. Emergency Removal and Administrative Leave

In connection with this policy, whether or not a grievance process is underway, the College may summarily remove an individual (students and employees) from the education program or activity on an emergency basis, after undertaking an individualized safety and risk analysis, and upon the determination that the individual poses an imminent and serious threat to the physical health or safety of any student or other individual (including themselves, the respondent, the complainant, or any other individual). This includes placing an employee respondent on administrative leave from employment responsibilities during the pendency of the grievance procedures. Violation of an emergency removal under this policy is grounds for expulsion or termination.

In all cases in which emergency removal is imposed, the individual will be given the opportunity to appeal prior to the emergency removal being imposed, or as soon thereafter as reasonably possible, to show cause why the emergency removal should not be implemented. Appeals should be submitted in writing to the Title IX/Sexual Misconduct Coordinator within three (3) business days of the notice of emergency removal. Appeals for cases on the Annapolis Campus will be reviewed by Christine Guevara, VP for Student Engagement and Title IX/Sexual Misconduct Coordinator in Santa Fe. Appeals for cases on the Santa Fe Campus will be reviewed by Danielle Lico, VP for Student Affairs and Title IX/Sexual Misconduct Coordinator in Annapolis. Appeal decisions will be communicated within three (3) business days.

IX. Grievance Procedures, In General

The College is committed to providing a prompt and impartial investigation and adjudication of all complaints alleging violations of this policy. During the informal resolution and grievance processes, both parties have equal rights to participate.

Conflict of Interest

All individuals who have responsibilities in administering the informal resolution and grievance processes under this policy must be free of any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent and will be trained as provided by federal regulations. Parties will be notified at the appropriate juncture of the identities of the individuals serving as a facilitator for an Informal Resolution, an investigator, or a Hearing Officer. The names of people hearing appeals are included in the policy.

A party who has concerns that one or more of the individuals performing one of the previously mentioned roles has conflicting interest or is biased must report those concerns to the Title IX/Sexual Misconduct Coordinator within 48 hours of being notified of their identities and include a brief explanation of the basis for the conflict or bias concern. The Title IX/Sexual Misconduct Coordinator will assess the allegations of conflict or bias to determine whether or not the identified individual(s) can fulfill their duties in an impartial way. If the Title IX/Sexual Misconduct Coordinator concludes that the facts and circumstances support the claim of conflict or bias, the pertinent individual(s) will not participate in the case.

In order to address issues of potential conflicts of interests, the College utilizes external, third-party entities as investigators and Hearing Officers. Depending on the specific allegations, the College may also use an external third-party entity as a facilitator for Informal Resolution or to replace an appeal officer otherwise identified within this policy.

Responsibility to Review Reports and Formal Complaints

In order to protect the safety of the campus community, the Title IX/Sexual Misconduct Coordinator may review reports of violations of this policy even absent the filing of a complaint or even if a complaint has been withdrawn. The Title IX/Sexual Misconduct Coordinator may need to themselves file a complaint and proceed with an investigation even if a complainant specifically requests that the matter not be pursued. For additional information about the factors the Title IX/Sexual Misconduct Coordinator will consider when determining whether or not to file a complaint, refer to Section IV.

This policy differs from Maryland and New Mexico criminal law. Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. Neither a decision by law enforcement regarding prosecution nor the outcome of any criminal proceeding will be considered determinative of whether a violation of this policy has occurred.

Presumption of Good Faith Reporting

The College presumes that reports of prohibited conduct are made in good faith. A finding that the alleged behavior does not constitute a violation of this policy or that there is insufficient evidence to establish that the alleged conduct occurred as reported does not mean that the report was made in bad faith.

Presumption of Non-Responsibility

The respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

Honesty and Cooperation during Grievance Process

It is expected that all members of the community to be honest and cooperative in their official dealings with the College under this policy. While the College will not compel the participation of any individual, it is expected that members of the community will respond to outreach in a timely fashion.

Advisors and Support Persons

Throughout the grievance process, each party may have an adviser of their choice and/or a support person of their choice, provided that person agrees to serve in this capacity; parties may change their adviser or support person at any time during the informal resolution or grievance process. An adviser is an individual chosen by a complainant or a respondent to provide guidance during the grievance process. A support person is an individual chosen by a complainant or a respondent to provide emotional support. An adviser and/or a support person may be a member or non-member of the College community; advisors may be an attorney. Parties are not required to have an advisor or a support person.

The role of advisers and support persons is narrow in scope: they may attend any interview or meeting connected with the informal resolution or grievance process that the party whom they are advising/supporting is invited to attend, but they may not actively participate in interviews and may not serve as a proxy for the party. The adviser/support person may attend the hearing and may help the party in the preparation of questions; otherwise, they may not actively participate in the hearing.

Any individual who serves as an adviser or support person is expected to make themselves available for meetings, interviews, and the hearing, as scheduled by the College. The College (including any external third-party entity acting on behalf of the College) has the right at all times to determine what constitutes appropriate behavior on the part of an adviser and support person and to take appropriate steps to ensure compliance with this policy.

Anybody serving as an advisor or support person must sign and agree to the terms as outlined in the Support Person-Advisor Agreement.

Parties initiating this Policy on the Annapolis Campus are encouraged to review Section XIV which outlines specific information about attorneys and advocates available within the State of Maryland.

Inadmissible Evidence/Information

The complainant's sexual interests or prior sexual behavior are not relevant and should not be raised during an Informal Resolution and will not be accepted as evidence during grievance process, unless offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. Any questions posed during a hearing are expected to adhere to these same standards.

Any records that are otherwise protected by federal or state law or evidence provided to a confidential employee, including records that are maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or the witness, unless the party or witness to whom the privilege or confidentiality is owed voluntarily provides written consent for its use.

Parties are encouraged to think very carefully about submitting any evidence that is defined as inadmissible above.

Allegations Against Student Employees

When a complainant or respondent is both a student and an employee of the College, including as a student employee, the College will make a fact-specific inquiry to determine whether the respondent will be treated as a student or an employee. In making this determination the College will consider whether the party's primary relationship with the College is to receive an education and whether the alleged prohibited conduct occurred while the party was performing employment-related work.

X. Informal Resolution Process

In lieu of resolving a complaint through an investigation and hearing, the parties may instead elect to participate in an informal resolution process. The informal resolution process is a voluntary, remedies-based process designed to provide parties with an option to resolve disputes with another party in a forum that is separate and distinct from the formal grievance processes under this policy. The informal resolution process is intended to create a facilitated resolution that is acceptable to both the Complainant and Respondent.

An informal resolution can be requested by a Complainant or Respondent at any time after a complaint has been submitted up to the start of a hearing. The Complainant and Respondent may withdraw from an informal resolution process at any time before agreeing to a resolution. If a Complainant or Respondent chooses to end an informal resolution process prior to agreeing to a resolution, the investigation and hearing process will resume.

Engaging in the informal resolution process is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an informal resolution is not viewed as a finding of responsibility against the Respondent. Once a complaint has been resolved through an informal resolution process, the matter will be closed.

In all cases, the Title IX/Sexual Misconduct Coordinator will have the discretion to determine whether an informal resolution or mediation is appropriate to the circumstances. An informal resolution may include mediation for some limited types of Prohibited Conduct. Informal resolution is not permitted on the Annapolis Campus for any allegations of Sexual Assault.

The College will generally allow only one informal resolution per Respondent. Informal resolutions are not permitted between student complainants and employee respondents.

Notice of Request for Informal Resolution

The Title IX/Sexual Misconduct Coordinator will provide the Complainant or Respondent written notice of the other party's interest in resolving a complaint through the informal resolution process. The written notice will include (i) a copy of the complaint, if not provided prior; (ii) a summary of the guidelines for an informal resolution and the participant's rights in the process (including the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution); (iii) the circumstances under which a resolution precludes the parties from resuming a formal resolution process arising from the same allegations; and (iv) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The complainant or respondent will have five (5) business days to respond to the informal resolution request indicating whether they have an interest in participating in the informal resolution process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, the College will begin an investigation into the complaint by proceeding with the grievance process.

The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of complaints of Title IX Sex-based Harassment. Similarly, the College will not require, encourage, or discourage the parties from participating in the informal resolution process.

Privacy of Informal Resolution

The existence of an informal resolution and/or the agreed-upon terms is considered private information. The existence of an informal resolution and/or the agreed-upon terms may be shared with a limited circle of individuals in the College who “need to know” in order to: (i.) assist in implementing the agreed-upon terms; (ii.) monitor the agreed upon terms; (iii.) engage in a risk assessment involving the Complainant or Respondent; (iv.) implement support or protective measures; or (v.) perform College operations.

The Title IX/Sexual Misconduct Coordinator may use the information obtained during an informal resolution process as evidence when investigating the complaint when the terms of an informal resolution are broken or incomplete.

The Title IX/Sexual Misconduct Coordinator may also use the information obtained during an informal resolution as evidence when investigating a complaint if a subsequent allegation of Prohibited Conduct involving the same Respondent is made and the alleged Prohibited Conduct is distinctively similar to the conduct alleged in the informal resolution process. If this occurs, the relevant portion of the complaint may be shared with an Investigator and the Complainant may be called as a witness.

Developing Terms of the Informal Resolution

The Complainant and Respondent may propose terms for the informal resolution agreement. The terms should be designed to remedy the adverse effects the alleged Prohibited Conduct has on the Complainant and/or to restore the Complainant’s equal access to the programs and activities of the College.

The Title IX/Sexual Misconduct Coordinator will review the proposed and final terms and will remove those terms that are not permissible under College policy or practice and/or federal or state law. After the Title IX/Sexual Misconduct Coordinator’s review, the parties will have five (5) business days from the date of delivery of the informal agreement to review the terms. They should indicate their willingness to accept all, some, or none of the proposed terms. They may also propose alternative strategies to meet a specific term they reject.

The Title IX/Sexual Misconduct Coordinator will send the Complainant and/or Respondent a copy of the other party’s response to the proposed terms. The Complainant or Respondent will have a subsequent five (5) business days from the date of delivery of the new terms to consider and respond to the revised

terms. In certain instances, the Title IX/Sexual Misconduct Coordinator may compile the responses of both parties into one document.

The informal agreement is reached when both parties independently and voluntarily come to an agreement on terms. The above process may be repeated as reasonably necessary to come to a final agreement. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the complaint is considered resolved and closed.

Violations of the Informal Resolution

The Complainant and Respondent must identify and agree upon the consequences for violating the terms of the informal resolution. The Title IX/Sexual Misconduct Coordinator will ensure the proposed consequences are permissible under College policy and otherwise aligned with the sanctions for similar infractions, as appropriate. Agreeing to consequences is a requirement of the Informal Resolution process; if the consequences for violating the informal resolution are not determined, the Informal Resolution process will end and the matter will continue in the grievance process.

No Right of Appeal

The informal resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the informal resolution process.

Time Frame for the Informal Resolution Process

The College cannot promise a definitive timeframe for an informal resolution process as the time to complete the agreement is unique to each set of Complainants and Respondents. Below is an overview of the approximate time associated with the major stages of the informal resolution process after a complaint is initiated. All timeframes set forth in this process may be adjusted at the discretion of the Title IX/Sexual Misconduct Coordinator. The Complainant and Respondent will be notified of any delays or extensions of these timeframes.

- Written notice of a request for informal resolution process – Three (3) business days from receipt of the request from either the Complainant or Respondent
- Drafting of terms - Five (5) business days (this step may be repeated as necessary)
- Review of proposed terms – Five (5) business days (this step may be repeated as necessary)
- Review and sign off on the final terms – Five (5) business days.

Recordkeeping

Any records created in reaching an informal resolution agreement will be maintained for a period of seven (7) years in accordance with the federal regulations.

XI. Investigation and Hearing Process

If the Title IX/Sexual Misconduct Coordinator has determined, following an initial assessment and provided that an Informal Resolution between the parties is not appropriate or is not reached, that an

investigation is appropriate, the Title IX/Sexual Misconduct Coordinator will refer the matter for investigation.

Notice of Allegations and Investigation

Following the initiation of a complaint and a determination by the Title IX/Sexual Misconduct Coordinator that the matter properly falls under this policy the parties will be provided with a written Notice of Allegations and Investigation which shall include:

- The identities of the parties, if known;
- A summary of the alleged conduct, including the date(s) and location(s);
- Notice of the allegations potentially constituting prohibited conduct under this policy;
- A statement that the respondent is presumed not responsible and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement informing the parties that they may have an adviser of their choice, who may be, but is not required to be, an attorney;
- A statement informing the parties that they may submit, and request to inspect and review not otherwise inadmissible evidence;
- A statement informing the parties that knowingly making false statements or knowingly submitting false information during the grievance process may constitute a violation of College policy;
- A statement that retaliation is prohibited;
- Information regarding the applicable grievance procedures, including the informal resolution process.

If, during the investigation, additional information is disclosed that may also constitute prohibited conduct under this policy, the respondent and complainant will be informed in writing that such additional information will be included in the grievance process.

Assignment of Investigators

Concurrent with or immediately following issuing the Notice of Allegations and Investigation, the Title IX/Sexual Misconduct Coordinator will notify the parties the name of the trained, impartial individual(s) who will serve as the investigator. The College utilizes external, third-party investigators. In the event that more than one investigator is assigned, both investigators will not necessarily attend every interview. Either party may submit a written objection to the assigned investigator(s) as outlined in Section IX.

The investigator is a neutral fact-finder, who, during the course of the investigation, may gather information in multiple ways. The investigator may collect documents and other information and may also interview witnesses or other people with relevant information beyond those identified by the parties. The interviews are not required to be in-person. The College will strive to complete all investigations within forty-five (45) business days; should an extension be required the parties will be notified. This does not include the time afforded to the parties to review and respond to investigative documents.

Collection of Evidence

The investigator will interview the parties, as well as all relevant witnesses, gather any relevant evidence (such as texts/emails, social media postings, surveillance video, photos), and consider all relevant evidence. The investigator retains discretion to determine how to conduct the investigation and what information is necessary and relevant. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The burden is on the investigator – not the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Although formal rules of evidence will not apply, the investigator will not consider character evidence or other inadmissible evidence as defined within this policy.

During the investigation, the parties will have an equal opportunity to share information, submit evidence, and request that witnesses be interviewed. The parties will **not** be interviewed together or be required to meet. Parties and witnesses are expected to provide all available relevant evidence to the investigator during the investigation. If a party or witness fails to provide available relevant evidence during the investigation, such evidence may, at the discretion of Hearing Officer, be excluded from consideration at the hearing. Expert reports and witnesses are not permitted.

The investigator may decline to gather information if:

- the request seeks information that is unreasonably duplicative;
- the request is unlikely to yield relevant evidence;
- the request seeks information that the requesting party could obtain from another source with greater convenience or less burden;
- the request unreasonably invades the privacy interests of a party or witness or seeks information protected by federal or state law; or
- the burden of complying with the request is likely to substantially outweigh the benefit of the information as relevant evidence in the hearing.

The investigator will provide to a party written notice of the date, time, location, participants, and purpose of all investigative interviews to which they are invited or expected, with sufficient time (generally no less than three (3) business days, absent exigent circumstances) for the party to prepare to participate. Parties are permitted to have the advisor and/or support person of their choice present at any meeting, as outlined in Section IX of this policy. Notes of the interviews will be taken by the investigator. Any other recording of interviews is prohibited and violations may result in discipline.

Summary of Evidence and Final Investigative Report

The investigator will prepare a draft Summary of Evidence that includes all collected evidence that is relevant to the allegations raised in the complaint and not otherwise inadmissible, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. In all cases, any information relied on in adjudicating the matter will be provided to the parties. As appropriate, the parties will also be provided with an updated Notice of the Allegations.

Within ten (10) business days of receiving the Summary of Evidence, each party may submit a written response, not to exceed 3000 words (including exhibits, screenshots, etc.). If the investigator believes

that further new information is needed the investigator will pursue any additional investigative steps as needed. Responses to the Summary of Evidence will be included in the Final Investigative Report.

Following their review of the parties' responses (if any) to the Summary of Evidence, the investigator will create a Final Investigative Report that summarizes all relevant evidence; the report will not contain irrelevant information. At least ten (10) business days prior to the hearing, the investigative report will be provided to the parties.

XII. Hearing

The Hearing Officer is responsible for evaluating the information gathered by the investigator and the testimony offered by those who participate at the hearing and determining whether a violation of this Policy occurred and the appropriate sanction(s). More specifically, the Hearing Officer is responsible for questioning the parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more of the allegations of prohibited conduct. Credibility determinations will not be based on a person's status as complainant, respondent, or witness.

Either party may submit a written objection to the assigned Hearing Officer if there is an actual conflict of interest or bias for or against complainants or respondents generally or that individual complainant or respondent. Written objections must be submitted within three (3) business days of notification of the name of the Hearing Officer to the Title IX/Sexual Misconduct Coordinator.

The Hearing Officer will have absolute discretion with respect to administering the hearing. The Hearing Officer will be responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, adviser or support person.

Prior to the hearing, the Hearing Officer will be provided with the Final Investigative Report.

At least fifteen (15) business days prior to the hearing, the parties will be notified of the hearing date, time, and location (or relevant electronic information, if the hearing will be conducted remotely). Ten (10) days prior, parties will be required to identify witnesses sought to be called at the hearing and to provide a brief written explanation of the question around credibility of the witness and why it is relevant to evaluating one of more of the allegations of prohibited conduct. Specific timelines for the submission of questions will be determined based on the number of participants in the hearing.

At the Hearing Officer's discretion, pre-hearing meetings may be scheduled with each of the parties and their advisers to explain the hearing protocol.

Standard of Proof

The standard of proof under this policy is preponderance of the evidence. A finding of responsibility by a preponderance of the evidence means that it is more likely than not, based on all the relevant evidence and reasonable inferences from the evidence, that the respondent violated this policy.

Hearing Process and Participant Expectations

- In all proceedings under this policy, including at the hearing, the complainant, the respondent, and the witnesses are expected to provide truthful information.
- The Hearing Officer will rule on all procedural matters and maintain the general order for the hearing.
- Where credibility is both in dispute and relevant to the evaluation of one or more allegations in the complaint, each party may propose to the Hearing Officer such questions and follow-up questions that the party wants asked of any party or witness. The Hearing Officer will serve as the only person questioning the parties and witnesses during a hearing. The Hearing Officer will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Officer will give a party an opportunity to clarify or revise a question that the Hearing Officer determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked. Questions will be submitted for review as outlined in this policy.
- The hearing will be recorded in audio or audiovisual format and may be transcribed at the discretion of the College. The recording or transcript, if applicable, will be available for the parties to inspect and review, upon request.

Written Determinations

Following the hearing, the Hearing Officer will consider all the relevant evidence that is not otherwise impermissible – including all inculpatory and exculpatory evidence – and make a determination, by a preponderance of the evidence, whether the respondent has violated the policy. A written determination will be issued, which will contain:

- A description of the alleged prohibited conduct;
- Information about the policies and procedures the College used to evaluate the allegations;
- Findings of fact, including a specific evaluation of the relevant and not otherwise impermissible evidence supporting the determination;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., not in violation or in violation);
- Any disciplinary sanctions imposed and whether remedies other than the disciplinary sanctions will be provided to the complainant;
- Other students identified to be experiencing the effects of the prohibited conduct; and
- Relevant appeal information for the parties.

Disciplinary sanctions and remedies will be determined in accordance with the procedures listed below, and an explanation of the determination of appropriate sanctions will be included by the Hearing Officer in the written determination. The parties and their advisers will simultaneously be provided with the written determination via electronic format.

The College will not discipline a party, witness, or others participating in these grievance procedures for making a false statement based solely on the determination of whether a policy violation occurred or for engaging in consensual sexual conduct.

Sanctions

If the Hearing Officer determines that a violation has occurred, they will then determine the appropriate sanction(s). Members of the College community who are determined to have violated this Policy may be subject to sanctions depending on the nature and severity of the offense, regardless of whether the prohibited conduct is the subject of a criminal investigation or results in a criminal conviction.

The goal of sanctions is to (1) end the misconduct; (2) remedy its effects on the reporting party and/or the College community; and (3) take reasonable steps calculated to prevent its recurrence.

Sanctions for Title IX Sex-based Harassment may range from mandated education, a formal warning, probation, suspension, expulsion (for students), or corrective action up to and including termination (for employees).

Sanctions may also require that existing support measures stay in place for a prescribed period of time. Likewise, sanctions may involve the imposition of new remedies, such as no contact orders, disciplinary probation, housing placement, academic adjustments, adjustments or limitations to work environments, or restrictions on campus-access based upon the facts developed during the investigation and the conclusions reached in the case. Transfer of campuses may not be imposed as a sanction in any circumstances.

Specific sanctions include, but are not limited to: formal reprimand (to be included in the permanent record of the student or employee); expulsion from the residence halls (if the person is a student residing on campus); suspension or expulsion from the College, with or without the refund of fees, in the case of students; suspension with or without pay or termination of employment, in the case of employees; commencement of procedures to terminate appointment as provided in the Policy in the case of tutors; disciplinary probation; no-contact orders or prohibitions from entering certain parts of campus or attending certain campus events; and mandatory education on issues related to Title IX Sex-based Harassment and Discrimination, including, but not limited to, prevention and awareness, victims' rights, and appropriate behaviors.

The following aggravating circumstances will be factored into the sanction decision:

1. Proven history of prior misconduct by the Respondent;
2. Whether the Respondent has a proven history of violating no contact orders or restraining orders;
3. Whether the prohibited conduct involved the use of physical force, including but not limited to restraining, strangling, hitting, punching, slapping, or kicking;
4. Whether the prohibited conduct involved the use of a weapon;
5. Whether the Respondent facilitated the prohibited conduct through the use of drugs, alcohol, or other intoxicants;
6. Whether the prohibited conduct occurred by knowingly taking advantage of the incapacitation of the Complainant;
7. Whether the prohibited conduct involved multiple victims;
8. Whether the prohibited conduct was committed by multiple individuals acting together;
9. Whether the prohibited conduct included the recording, photographing, transmitting, viewing, or distributing of intimate or sexual images without consent;

10. Whether the Respondent engaged in retaliation against the Reporting Party, Complainant, or others.

Both the Complainant and the Respondent shall be provided with the final written determination, including sanctions, in writing. The written determination is ordinarily provided within ten (10) business days of the date of the hearing. In complex cases, this time frame may be extended.

Interim support measures put in place during the investigation may be continued or implemented as part of sanctions. Even if a Respondent is found *not responsible*, in the discretion of the Title IX/Sexual Misconduct Coordinator, support measures may remain in place depending on the circumstances.

XIII. Appeals

The Complainant and the Respondent have equal rights to an impartial appeal. Appeals shall be limited to the following grounds:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination was made; and
- The Title IX/Sexual Misconduct Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Generally, the original decision, including sanctions, remains in effect throughout the appeal period.

Both the Complainant and the Respondent will have five (5) business days from written notification of an outcome to submit a written appeal to the Title IX/Sexual Misconduct Coordinator. If the Title IX/Sexual Misconduct Coordinator receives no timely appeals, both parties will be notified that the original decision stands.

If and when the Title IX/Sexual Misconduct Coordinator receives a timely appeal, the appeal will be shared with the non-appealing party who may, but need not, provide a written response within five (5) business days of receiving a copy of the appeal. This response is a right, but not a requirement. The decision by a party not to respond to the other party's appeal does not indicate agreement with that appeal.

For cases adjudicated on the Santa Fe Campus, the person reading the appeal (Appeal Officer) will be the Director of Human Resources on the Annapolis Campus. For cases adjudicated on the Annapolis Campus, the Appeal Officer will be the Director of Human Resources on the Santa Fe Campus. Parties will not meet with the Appeal Officer and should not communicate with them directly. The appeals process is conducted in writing through the Title IX/Sexual Misconduct Coordinator. Therefore, when submitting documents in the appeal process, parties should include any and all information they would like to have considered.

The Appeal Officer will evaluate the appeal based on the record considered by the Hearing Officer. The Appeal Officer is not expected to conduct a full review of the case. This is not an opportunity for the Appeal Officer to substitute their judgment for that of the Hearing Officer. Rather, they may only make

changes to the original outcome when at least one of the specified grounds for appeal is met. The changes made should directly pertain to the appeal grounds that were met.

The Appeal Officer may a) determine that no grounds for appeal have been met; thus, the original decision stands; b) determine that grounds for appeal have been met, and choose to remand the matter back to the Hearing Officer to address the appealed aspects of the case; or c) may make a new finding of fact, finding of responsibility, and/or (as appropriate) sanction(s). The Appeal Officer's decision will be made based on the preponderance of the evidence standard. The Officer's decision is final, and no further appeal is permitted.

Absent unusual circumstances, the Title IX/Sexual Misconduct Coordinator will provide the outcome of the appeal in writing to the Complainant and Respondent within ten (10) business days from the Appeal Officer's receipt of the appeal.

XIV. Respondent Change in Status

If a student Respondent withdraws or is academically separated from St. John's College after a complaint has been filed but before the informal resolution or grievance process has been completed, the college reserves the right to proceed to the conclusion of the Title IX Sex-based Harassment Process and, if found responsible, the student Respondent will not be permitted to return unless and until all sanctions have been satisfied. In the event the college determines to complete the Title IX Sex-based Harassment Process, the Respondent may participate fully in the process despite their enrollment status. Alternatively, the college may dismiss the complaint, in which case the Respondent's academic file will include a letter from the Title IX/Sexual Misconduct Coordinator reflecting the charges pending and the status of the process at the time of withdrawal or academic separation. Should the Respondent wish to re-enroll at some point in the future, the process will be reinstated at the point it was suspended. If a student Respondent withdraws or is academically separated after a hearing found that person responsible for violating the Policy, the college will move forward and implement the sanction(s) even though the student is not enrolled at the time the sanction(s) are implemented (subject to Respondent's right to participate in the appeal process before the sanctions are implemented).

Should an employee Respondent decide to resign or otherwise leave the College and not participate in an investigation, the College may opt to proceed with the investigation without the employee. Alternatively, the College may dismiss the complaint and bar the former employee from campus.

XV. Reinstatement of Students After Disciplinary Suspension for Any Sexual Misconduct

Any reinstatement following a period of suspension for any violation is conditional. Students who wish to return to St. John's College following a term of disciplinary suspension for Title IX Sex-based Harassment must demonstrate that they are prepared to return to the College and meet behavioral expectations. ***Reinstatement is not automatic.***

Students who request to be reinstated following disciplinary suspension for Title IX Sex-based Harassment must obtain clearance from the Title IX/Sexual Misconduct Coordinator and the Assistant Dean on the campus where they were last enrolled. Such requests must be submitted in writing at least eight (8) weeks prior to the beginning of the semester.

Any student who has outstanding sanctions must complete them prior to reinstatement. Students who are being reinstated after suspension for Title IX Sex-based Harassment will have the following requirements:

- Disciplinary probation: Students who are reinstated after suspension will be placed on disciplinary probation for the remainder of their time at St. John College. Students on disciplinary probation are restricted from certain leadership positions/opportunities within the College. Students who violate any policies of the College or exhibit behavior prohibited by the College may face more serious disciplinary sanctions, including immediate dismissal from the College with no reimbursement of fees or tuition.
- Academic work: Any academic work completed elsewhere during the term of suspension will not be transferred into St. John's College.
- Proof of good standing: If a student has attended another institution of higher learning during the period of suspension, they will be required to provide (1) proof of good disciplinary standing from each institution attended; (2) a copy of their student conduct record from each institution attended.
- Financial aid/scholarships: Students who are seeking reinstatement from suspension must work with the Financial Aid Office to determine, what, if any, impact their suspension may have on any scholarship or financial aid.
- Complaints of misconduct: Prior to reinstatement, a student must notify the College if they have been the subject of any complaints of misconduct during the period of suspension, whether at an educational institution, through law enforcement, employment, or otherwise. Failure to notify the College of any complaints of misconduct will result in immediate expulsion should such complaints later come to light.
- Re-entry meeting: Students applying for reinstatement must schedule a meeting with the Title IX/Sexual Misconduct Coordinator and the Assistant Dean prior to the desired term of re-enrollment to review the student's progress, assess readiness to return, and discuss expectations for re-entry.
- Check In: Depending on the circumstances, the Title IX/Sexual Misconduct Coordinator and/or Assistant Dean may require the returning student to check in periodically to assess the student's transition and compliance.

If at the time of reinstatement the Complainant is still an enrolled student, the Title IX/Sexual Misconduct Coordinator will promptly notify the Complainant (1) if the Respondent requests reinstatement following a period of suspension for Sexual Misconduct; (2) of the reinstatement decision; and (3) when the Respondent is expected to return to campus.

The Title IX/Sexual Misconduct Coordinator will be available to meet with the Complainant prior to the student's reinstatement to discuss whether support measures are required.

The processes and potential for support measures outlined in this section may differ depending on the wishes of the Complainant concerning receipt of such notifications and the then-current status of the Complainant (i.e., whether or not they remain affiliated with St. John's College) which may affect the ability to implement certain support measures.

XVI. Documentation

The College (through the appropriate office) will retain all of the documentation generated as the result of a complaint for seven years, in accordance with state and federal records laws and College policy. All documentation of records are private and confidential to the extent possible under law. Student records are disciplinary records under FERPA. Employee records of the Grievance Process are subject to the Freedom of Information Act (FOIA).

XVII. Campus-Specific Considerations: Annapolis

Within the state of Maryland, student parties in Title IX Sex-based Harassment cases are provided with specific rights and access to a licensed attorney, an advocate supervised by an attorney, or a trained advocate to be paid for, at least in part, by the Maryland Higher Education Commission.

Student parties are entitled to have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate:

- At all meetings, hearings, and interviews associated with the complaint;
- To provide private consultations with the student during hearings, meetings, and interviews, except during question of the student at a hearing; and
- To assist with the student's exercise of any right during the proceedings.

In addition to assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate, the student is entitled to have a personal supporter of the student's choice at any hearing, meeting, or interview during the proceedings. Students are not entitled to have more than two people at any hearing, meeting, or interview.

This resource is available to all current and former students who make or respond to a complaint on which a formal sexual assault investigation is initiated and who was enrolled as a student at the institution at the time of the incident that is the basis of the complaint. This resource is not a requirement and students can knowingly and voluntarily choose not to have counsel.

Before the start of any formal proceedings under the policy, student Complainants and Respondents will be notified in writing as to the student's right to the assistance of an attorney or advocate, legal service organizations and referral services available to the student, and the student's right to have a personal supporter at any hearing, meeting, or interview.

The assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate is a benefit offered to Complainants and Respondents by the State of Maryland. Should a Complainant or Respondent be unable to retain the services of such a person, the College will not provide a similar resource.

For information on how to retain a licensed attorney, an advocate supervised by an attorney, or a trained advocate, students are encouraged to visit the Maryland Higher Education Commission website mhec.maryland.gov.

XVIII. Modifications and Policy Review

St. John's college reserves the right to modify this policy to take into account applicable legal requirements or extraordinary circumstances.

This Policy will govern any complaints received on or after August 1, 2024 for alleged misconduct that occurred on or after August 1, 2024. Any complaints received on or after August 1, 2024 for alleged misconduct that occurred prior to August 1, 2024 will be adjudicated under the appropriate policy in place as of July 31, 2024.